

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHARLES S. LONGSHORE,

Plaintiff,

v.

ROBERT HERZOG, STEPHAN  
SINCLAIR, et. al.,

Defendants.

CASE NO. 16-cv-5629-BHS-JRC

ORDER ON PLAINTIFF'S MOTION  
FOR IN FORMA PAUPERIS  
STATUS OR TO APPEAL IN  
FORMA PAUPERIS

This 42 U.S.C. § 1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Before the Court is plaintiff's application for in forma pauperis status, titled on the docket as a motion for leave to appeal in forma pauperis status. Dkt. 26.

Because plaintiff's application to proceed in forma pauperis already has been granted, the second application for such is duplicative and moot. *See* Dkt. 6; *see also* Dkt. 26. To the extent that his application could be deemed an appeal of the denial of his motion for appointment of

1 council, his objection to this Court's denial of his motion for appointment of counsel already has  
2 been filed and has been referred to District Court Judge Benjamin H. Settle. *See* Dkt. 15.

3 Therefore, plaintiff's second application to proceed in forma pauperis (*see* Dkt. 26) is  
4 denied as duplicative and moot.

### 5 BACKGROUND

6 Plaintiff filed a motion for in forma pauperis status along with a proposed civil rights  
7 action on July 14, 2016. Dkt. 1, 1-1. On August 3, 2016, this Court granted plaintiff's  
8 application to proceed in forma pauperis. *See* Dkt. 6. The Court notes that on August 5, 2016,  
9 plaintiff filed an amended complaint. Dkt. 9.

10 On July 14, 2016, plaintiff also filed a motion for appointment of counsel. Dkt. 3. On  
11 August 10, 2016, this Court denied plaintiff's motion to appoint counsel. Dkt. 11. On August 12,  
12 2016, plaintiff filed an "objection and motion for reconsideration to the District Court Judge of  
13 the Order denying appointment of counsel." Dkt. 15. This motion was referred to District Court  
14 Judge Benjamin H. Settle on August 12, 2016.

### 15 DISCUSSION

16 Because plaintiff's application to proceed in forma pauperis (Dkt. 1) already has been  
17 granted (Dkt. 6), the second application for such is duplicative and moot (Dkt. 26). On his  
18 second application for in forma pauperis status, plaintiff wrote that the nature of his underlying  
19 cause of action was an "appeal from order denying appointment of counsel." *See* Dkt. 26, p. 1.  
20 However, to the extent that his application for in forma pauperis could be deemed an appeal of  
21 the denial of his motion for appointment of council, his objection to this Court's denial of his  
22 motion for appointment of counsel already has been filed and has been referred to District Court  
23 Judge Benjamin H. Settle. *See* Dkt. 15. Therefore, to the extent that his second application could  
24

1 be deemed an appeal of the denial of his motion for appointment of council, this too would be  
2 duplicative and moot. It is unclear what plaintiff's second application to proceed in forma  
3 pauperis is intended to accomplish.

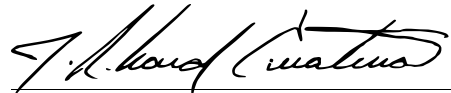
4 Therefore, plaintiff's second application to proceed in forma pauperis (*see* Dkt. 26) is  
5 denied as duplicative and moot.

6 **CONCLUSION**

7 For the reasons stated, plaintiff's second application to proceed in forma pauperis (Dkt.  
8 26) is denied as duplicative and moot.

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10 Dated this 9th day of September, 2016.

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12 J. Richard Creatura  
13 United States Magistrate Judge  
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